

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

|                                    |   |                  |
|------------------------------------|---|------------------|
| TQP DEVELOPMENT, LLC,              | § |                  |
|                                    | § |                  |
| Plaintiff,                         | § |                  |
|                                    | § | CIVIL ACTION NO. |
| v.                                 | § | 2:08-CV-471 TJW  |
|                                    | § |                  |
| MERRILL LYNCH & CO., INC., et al., | § |                  |
|                                    | § |                  |
| Defendants.                        | § |                  |

**SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS FOR  
IMPROPER VENUE OR, IN THE ALTERNATIVE, TO TRANSFER VENUE**

Defendants International Bancshares Corporation, IBC Subsidiary Corporation, and International Bank of Commerce, Laredo, Texas (collectively, “IBC”) hereby move for an extension of time for IBC to file its reply brief in support of its Motion to Dismiss for Improper Venue or, in the Alternative, to Transfer Venue (Docket No. 108) (“IBC’s Motion to Dismiss”).

To allow the Court time to rule on the pending Stipulated Motion for Dismissal Without Prejudice (Docket No. 236) requesting dismissal of IBC from this litigation, IBC has requested and TQP has agreed to a two-week extension of time in which IBC may file its reply brief in support of IBC’s Motion to Dismiss. Specifically, IBC requests, and TQP does not oppose, an extension of time up to and including May 29, 2009.

Respectfully submitted,

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IBC Subsidiary Corporation, and  
International Bank of Commerce, Laredo, Texas

### **CERTIFICATE OF CONFERENCE**

The undersigned counsel for IBC certifies that it has complied with the meet and confer obligations of Local Rule CV-7(h) and that Plaintiff agrees with and does not oppose the foregoing motion.

/s/ C. David Kinder

C. David Kinder

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on this 13<sup>th</sup> day of May, 2009. As such, this motion was served on all counsel who have consented to electronic service. Any other counsel of record will be served by first class mail on this same date.

/s/ C. David Kinder

C. David Kinder